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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-07-00370-CW
	)	
12 Plaintiff,	)	<b>STIPULATION AND ORDER</b>
	)	<b>CONTINUING STATUS HEARING</b>
13 vs.	)	
	)	Hearing Date: August 15, 2007
14 JOSE LOPEZ-PADILLA,	)	Requested Date: September 12, 2007
	)	
15 Defendant.	)	
	)	

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16  
17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the  
18 MOTIONS/SETTING date of August 15, 2007 presently scheduled at 2:00 p.m., before the  
19 Honorable Claudia Wilken, be vacated and re-set for September 12, 2007 at 2:00 p.m. for  
20 MOTIONS/SETTING.

21 The reason for this request is that additional time is needed, as there is an important legal  
22 and factual issue concerning prior convictions which has not been resolved by the parties and  
23 which needs to be further discussed with Mr. Lopez-Padilla. This issue is material to plea  
24 negotiations and to Mr. Lopez-Padilla's decision about how best to proceed. Defense counsel  
25 also has a pre-planned absence on August 15, 2007, which he neglected to consider when this  
26 date was requested. Defense counsel will be out of the office for the last two weeks of August,

1 which justifies that the request go over until September 12.

2 The parties agree and stipulate that the time until September 12 should be excluded,  
3 under 18 U.S.C. §3161(H)(8)(A) and (B) for continuity of counsel and because the ends of justice  
4 served by the granting of the continuance outweigh the best interests of the public and the  
5 defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's  
6 preparation efforts.

7 8/10/07  
8 Date

/s/  
John Paul Reichmuth  
Assistant Federal Public Defenders  
Counsel for defendant Lopez-Padilla

11 8/10/07  
12 Date

/s/  
Bryan Whittaker  
Assistant United States Attorney


13 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)  
14 within this efiled document.

/S/ John Paul Reichmuth  
Counsel for Defendant Lopez-Padilla

17 Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter  
18 is continued to September 12, 2007 at 2:00 p.m., and that time is excluded from August 15, 2007  
19 until September 12, 2007 pursuant to 18 U.S.C. §§3161(h)(8)(A) and (B)(iv).

20 IT IS SO ORDERED.

22 8/13/07  
23 Date

  
Hon. Claudia Wilken  
United States District Judge